

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

MIGUEL A. RIVERA-SANTIAGO
Petitioner-Appellant

v.

UNITED STATES OF AMERICA
Respondent

Cv. 97-1557(RLA)

**PETITIONER'S REQUEST FOR PRODUCTION OF INMATE FOR WRIT AD
TESTIFICANDUM AND ORDER TO U.S. MARSHAL'S SERVICE
FOR THE SERVICE OF SUBPOENAS TO PETITIONER'S FACT WITNESSES
AT EVIDENTIARY HEARING SCHEDULED FOR MAY 5-6, 2005,
AND ANY OTHER REMEDY PURSUANT TO LAW**

**TO THE HONORABLE COURT
HONORABLE RAYMOND L. ACOSTA,
SENIOR U.S. DISTRICT JUDGE:**

Comes now the Petitioner-Appellant, Miguel A. Rivera-Santiago, by the undersigned counsel, and very respectfully states, informs, and prays as follows:

1. On March 3, 2005, at the time of status conference, the Honorable Court set an evidentiary hearing for May 5-6, 2005, pursuant Order by the U.S. Court of Appeals for the First Circuit, No. 02-2458, entered on June 25, 2004. At said status conference, the Honorable Court authorized the issuance of a Writ Ad Testificandum for convicted co-defendant Luis Enrique Ovalle-Márquez, #07663-069, Federal Correctional Complex, P.O.Box 1033, Coleman, FLA. 33521-1033, and the issuance of subpoenas as to the several fact witnesses to be presented by Petitioner Miguel

A. Rivera-Santiago, on May 5-6, 2005, at the evidentiary hearing.

On April 19, 2005, Deputy U.S. Marshall Roberto Schmidt, USDC - PR, assured the undersigned counsel the support of the U.S. Marshal's Office if the Honorable Court so orders.

Petitioner Miguel A. Rivera-Santiago respectfully requests the Honorable Court:

- 1) the production of inmate Luis Enrique Ovalle-Márquez, F.C.C. Coleman, P.O. Box 1033, Coleman, FLA. 33521-1033, to the U.S. District Court, District of Puerto Rico, on a Writ Ad Testificandum by May 2, 2005, to interview said inmate prior to the evidentiary hearing on May 5-6, 2005, and his production in court on May 5-6, 2005.
- 2) the service of subpoenas Ad Testificandum and duces tecum to the following petitioner's witnesses:
 - a) Francisco J. Serrano-Walker, Esq., #4250 Broadway, Suite 1-W, New York, New York, 10033, tel. (212) 928-2367
 - b) Luis Enrique Ovalle-Márquez, #07663-069, FCC Coleman, P.O. Box 1033, Coleman, Florida 33521-1033
 - c) José A. Quiles-Espinosa, Esq., former Assistant U.S. Attorney, c/o U.S. Attorney's Office, Torre Chardon, 350 Carlos Chardon St., Suite 1201, Hato Rey, PR 00918
 - d) Joaquin Monserrate-Matienzo, Esq., #606 Muñoz Rivera Ave., Hato Rey, Puerto Rico 00918, tel. 787-764-8969
 - e) José A. Aguayo, Esq., #569 César González Ave., Hato Rey, Puerto Rico 00918, tel. 787-765-0814
 - f) Luis R. Rivera, Esq., Rivera Law Offices, Capital Center I, Suite 401, #239 Arterial Hostos, Hato Rey, Puerto Rico 00918, tel. 787-763-1780
 - g) Renato Barrios, Esq., El Centro Condominium, #500 Muñoz Rivera Avenue, Suite #220, Hato Rey, Puerto Rico 00918, tel. 787-753-1815

- h) Eric J. Pijuán-Torres, Esq., #2551 Puerto Rico Avenue, San Juan, Puerto Rico 00915, tel. 787-728-5688
- i) Ludwig Ortiz-Belaval, Esq., Plaza Cobián Building, Ponce De León Avenue, Santurce, Puerto Rico, tel. 787-725-9449
- j) Elvin Ayala Lugo, Private Investigator, Grupo Investigador, Rio Cristal #076-B9, Mayaguez, Puerto Rico, tel. 787-805-4029
- k) Nelson Vega-Bonilla, Private Investigator #1904, Grupo Investigador, Rio Cristal 076-B9, Mayaguez, Puerto Rico, tel. 787-805-4029.

THEREFORE, Petitioner Miguel A. Rivera-Santiago respectfully prays this Honorable Court, Honorable Raymond L. Acosta, to Order the production of inmate Luis Enrique Ovalle-Márquez, for writ at testificandum and the service of subpoenas (including travel, lodging, and incidentals, when necessary) by the U.S. Marshal's Service to Petitioner's fact witnesses at the evidentiary hearing scheduled for May 5-6, 2005, and any other remedy pursuant to law.

I hereby certify that today I electronically filed the foregoing motion with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to Assistant U.S. Attorney Edwin Vázquez-Berrios, United States Attorney's Office, Torre Chardon, 350 Carlos Chardon St., Suite 1201, Hato Rey, PR 00918.

Respectfully submitted, in San Juan, Puerto Rico, today, April 27, 2005.

FOR COURT-APPOINTED PETITIONER-APPELLANT
MIGUEL A. RIVERA-SANTIAGO

S/ RAFAEL ANGLADA-LOPEZ
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